

**Matter of Benge**  
**Del. Supr. No. 362, 1996 (9/18/96)**  
**Board Case Nos. 15, 1995; 1, 1996; 34, 1996;**  
**and 35, 1996**

**Disciplinary Rules:** DLRPC 1.3, 1.4(a), 1.16(d), 3.4(c), 7(4),  
8.1(b) and 8.4(d).

**Sanctions Imposed:** Public reprimand and two-year probation.

On September 18, 1996, John H. Benge, Jr., was placed on a public two-year probation and publicly reprimanded for admitted violations of Rule 1.4(a) of the Delaware Lawyers' Rules of Professional Conduct ("Rules") (5 counts), Board Rule 7 (two counts), Rule 8.1(b) (two counts) and Rule 8.4(d) (one count). The conditions of probation included the following requirements:

- (a) written communication with each client not less than once every three months;
- (b) transmission of documents to clients within ten days of receipt, and copies of all docket entries in litigation matters;
- (c) written reports with the ODC every three months in the first year of probation and every six months in the second year, noting compliance with terms (a) and (b) of the probation;
- (d) counseling and evaluation for personal and emotional problems;
- (e) additional CLE hours;
- (f) expedited handling of disciplinary matters; and
- (g) any violation of the probation terms would be sufficient for reconsideration of the sanctions imposed.

The sanctions and findings of professional misconduct arose in four separate disciplinary matters which had been consolidated. Mr. Benge conditionally admitted the violations as well as the underlying facts in exchange for an agreed-upon form of discipline.

After a hearing, the Board accepted Mr. Bengé's conditional admission and recommended to the Court that the agreed-upon form of discipline be imposed. The Court approved the Board's report and recommendation.